



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,937	06/17/1999	Andrew D. Flockhart	15-19-1	7315

7590 11/20/2003

David Volejnicek, Esq.
Avaya Inc.
307 Middletown-Lincroft Road
Room 1N-391
Locroft, NJ 07738

EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 11/20/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,937

Applicant(s)

FLOCKHART ET AL.

Examiner

C.DAS

Art Unit

2122

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. This action is in response to the reconsideration filed on 11/15/03.
2. Claims 1,3,5-19,23-25 and 27 are rejected under 35 U.S.C. as being anticipated by Beck et al (Beck), US 6,332,154.
3. Claims 2,4, 20-22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck, US 6,332,154 and further in view of Matsumoto, US 6,064,491.

Response to Arguments

4. Applicant's arguments filed on 8/6/03 have been fully considered but they are not persuasive.

In the remark, the applicant has argued in substance:

- (1) Beck does not disclose the limitations of claim 1.***

Response:

- (1) The applicant has not pointed out specifically which part of the limitation of claim 1 was not taught by Beck. Beck (US 6,332,154) discloses all the limitations of claim 1. See the rejection of claim 1 in previous office action (paper # 10).

- (2) It is the wizard and not the media communications applications that customized for the client.***

Response:

- (2) Claim 1 recites, "customizing a computer program for the user". Beck teaches, "a wizard is periodically automatically update in available information according to client transaction history" (Beck, col 5 lines 35-37), where *the "wizard" is nothing but a computer program*, (Beck, col 6 lines 3-5, "updated information may be provided to the client. In some

Art Unit: 2122

embodiments there may be a step included *for programming the wizard* by an enterprise worker”).

(3) *Contrary to the requirements of the claims, the wizard executes in the call center and not in the client.*

Response:

(3) Claim 1 recites “downloading the customized computer program to the terminal” where the terminal is the user’s terminal. Beck discloses the above limitation in (col 62 lines 64-67 and col 1-5, “A media support module 445 is provided and adapted to contain required media drivers for executing different types of media presentations offered. For example, *if wizard 423 is updated to include a new type of media, an appropriate driver would be installed in module 445*. Module 445 contains an appropriate driver for each type of offered media as required. In one embodiment, *such drivers may also be downloaded to a client's browser* through desktop interface module 443”).

(4) *Contrary to the requirements, the wizard and the media communications applications execute while the client and the call center are in active communication with each other, not while the client is on hold.*

Response:

(4) Beck discloses during execution, the client is on hold (col 36, lines 44-45, “A client who is requesting a loan via telephone or other media may invoke IPM 287 thus beginning it's automated execution *while the client waits in queue*”), where “on hold” and “in queue” are the same element (see the specification of the application, page 2 lines 13-15, “For purposes of this application, the term “*on hold*” is used broadly and include the term “*in queue*”).

(5) *Beck does not disclose about the client being on hold.*

Response:

(5) Beck discloses about the client being on hold (Beck, col 36 lines 44-45, A client who is requesting a loan via telephone or other media may invoke IPM 287 thus beginning it's automated execution *while the client waits in queue*").

(6) *Matsumoto does not disclose the ceasing of execution in response to a communication being taken off hold.*

Response:

(6) As noted in the last office action (paper # 10), page 6, lines 2-5, Matsumoto discloses the ceasing of execution in response to a communication being taken off hold (Matsumoto, col 4, lines 38-44).

(7) *Beck fails to disclose the basic invention of the independent claims. Hence, the combined teachings of Beck et al and Matsumoto also fail to disclose the claimed invention.*

Response:

(7) Beck discloses all the limitations of the independent claims. See the rejections of the independent claims in previous office action (paper # 10) and the response to the argument above. Matsumoto discloses the deficiencies of Beck, see the rejection of the claims 2, 4, 20-22 in the previous office action (paper # 10).

Conclusion

5. Thus, the rejection of the claims over the prior art in the previous office action is maintained and **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2122

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:30 P.M.

The fax numbers for this group are:

(703) 746-7239 (official fax), (703) 746-7240 (non-official/draft), (703) 746-7238 (after final).

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
Chameli C. Das

Primary Patent Examiner

Art Unit 2122

11/19/03